

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

FILED
10 MAY 12 PM 2:24

UNITED STATES BANKRUPTCY CLERK
FOR THE DISTRICT OF NEBRASKA
OMAHA

IN REDEWAYNE LONG,

Debtor,

CASE NO. BK 09-82347

MOTION FOR
RECONSIDERATION

COMES NOW debtor and moves the court by this Motion For Reconsideration on the Court's ruling of the April 13, 2010 telephonic hearing for the following reasons:

1. Debtor was represented by ineffective assistance of council
2. Council failed to object to Courts slanderous remarks as to Council attending a "bankruptcy boot camp in North Carolina".
3. Upon such remark made by Thomas L. Saladino, Chief Judge Debtor was prejudiced by such remark and Judge Saladino should have recused [28 U.S.C. sec. 144, captioned "Bias or prejudice of judge,"] himself from the hearing. What difference does it make as to the issues of the hearing if an attorney should attempt to better himself and his clients should he attend such a "boot camp" also known as "continuing education classes"?
4. The court made a determination as to the secured or unsecured debt without first discovering if and who the Creditors are as no evidence was ever presented and/or discovered and presented to the court. THERE IS NO EVIDENCE IN THE RECORD!
5. Without first determining who the Creditors are by way of the Form B-10, Proof of Claim, the Court saved those who where yet to be caught for filing a fraudulent Proof of

Claim and order sanctions against those who filed yet aiding and abetting those who did fraudulent filings.

"I use the following definition of "Creditor" taken from research in cases, the Bankruptcy Code and the Uniform Commercial Code.

A "Creditor" is a legal entity that has advanced funds, goods or services in consideration of the right to payment, or has purchased the right to be paid.

In the bankruptcy context, a "Creditor" is an entity that had a Claim against Debtor before the case was filed.

11 U.S.C. § 101(10). A "Claim" is a right to payment. § 101(5).

Only a Creditor may file a Proof of Claim. § 501(a).

The "Official Form 10 reflects this requirement by describing the 'Name of Creditor' as 'the person or other entity to whom the debtor owes money or property.'"

Constitutional Standing, my opinion is premised on the following definition:

Constitutional standing under **Article III** requires, at a minimum, that a party must have suffered some actual or threatened injury as a result of the defendant's conduct, that the injury be traced to the challenged action, and that it is likely to be redressed by a favorable decision.

Valley Forge Christian Coll. v. Am. United for Separation of Church and State, 454 U.S. 464, 472 (1982); *United Food & Commercial Workers Union Local 751 v. Brown Group, Inc.*, 517 U.S. 544, 551 (1996). My presumption, in the context of the question posed to me, is that standing requires that a party will suffer financial loss derived from non-performance (i.e., nonpayment) of the subject **contract**, which in this case is the two (2) mortgage related **obligation(s) that arose when the subject loan(s) was funded on behalf of the debtor as homeowner and referred to in some documents as the Borrower.**

6. Such premature action by the Court goes to the error of dismissing Debtors case because it supposingly caused Debtor to exceed the amount of \$336,900.00 without a determination of one single Creditor and who has Standing to bring a claim into the Bankruptcy.

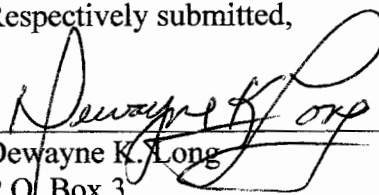
7. Judge Saladino was not the Judge assigned to my case. It appears that he did not like this case because of the position as to Standing and as to the issue of proving who the Creditors are. Judge Saladino working as a Creditors' attorney appears to dawn the title as a Creditor Friendly Judge instead of ruling according to the finding of facts and conclusions in law.

8. Judge Saladino is hereby notice to point in the record where there is evidence that such Creditors has produced legal evidence showing that they are Creditors and that they have Standing.

9. That Debtor also expect that upon seeing any evidence filed by a Creditor that certain discovery will be needed because much of the evidence is not in the possession and control of those purported Creditors and not available to the Debtor as such evidence will be needed to prove up on the Debtor's contentions with respect to claims filed by the debtor, objections filed by debtor and resistances filed by the debtor as well.

THEREFORE, Debtor, Dewayne Long prays that this motion be granted and that Judge Saladino recuse himself from any further proceeding in this case based upon his prejudice actions and statements made in this case.

Respectively submitted,


Dewayne K. Long
P.O. Box 3
Ashland, Nebraska 68003

LAST DATE TO FILE RESISTANCE

TO TRUSTEE AND INTERESTED PARTIES:

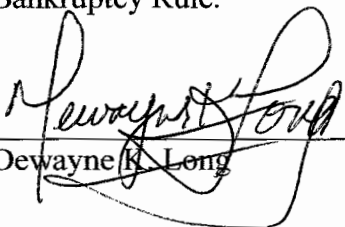
You are hereby notified that Dewayne K. Long has filed a Motion For Reconsideration. Copies of this Motion will be provided to parties-in-interest upon request.

YOU ARE FURTHER ADVISED this Notice is being furnished to you pursuant to Nebraska Rule of Bankruptcy Procedure and that any objection, resistance or request for hearing with respect to the above-referenced pleading must be filed on or before **June 4, 2010** with the Clerk of United States Bankruptcy Court, Roman L. Hruska Courthouse, 111 South 18th Plaza, Suite 1125, Omaha, Nebraska 68102 with a copy to Dewayne K. Long, P.O. Box 3, Ashland, Nebraska 68003.

Please govern yourselves accordingly.

CERTIFICATE OF SERVICE

The undersigned certifies that on May 12, 2010, I filed the foregoing Motion For Reconsideration with the Clerk of the Bankruptcy Court and I certify that I have mailed by United States Postal Service the documents to those required to receive notice pursuant to Bankruptcy Rule.


Dewayne K. Long

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